

### **REMARKS**

This responds to the Final Office Action mailed on August 31, 2006 and the Notice of Appeal to the Board of Patent Appeals and Interferences filed on December 11, 2006.

Claims 14, 20, 28, and 29 are amended; as a result, claims 1, 3-6, 8-12, 14-18 and 20-29 are now pending in this application.

Claims 14, 20, 28 and 29 were amended to correct an improper antecedent basis. Appellant respectfully requests entry of the amendments to present the claims 14 and 28 in better form for consideration on appeal (MPEP 1206 I. Amendments C).

Claims 20 and 29 were further amended to identify the data item as not user-classifiable under the first category structure and as user-classifiable under the second category structure. The amendment is necessary to correctly claim the disclosed invention (MPEP 1206 I. Amendments D). The amendment was not earlier presented because the claim language at issue was introduced in a prior amendment and identified while preparing the Appeal Brief (Id.).

### **CONCLUSION**

Appellant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Appellant's attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference.

Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

JOSEPH SEAMON

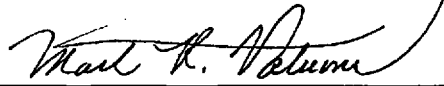
By his Representatives,

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P.O. Box 2938  
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Date

2.19.2007

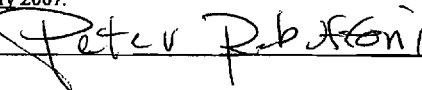
By



Mark R. Vatuone  
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**CERTIFICATE UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19 day of February 2007.

Name



Signature

